

and is the proper party to attack fraudulent conveyances. *Waters v. Dashiell*, 1 Md. 471.

Whether or not property passes to an insolvent trustee depends upon whether such property could have been devised or assigned by the insolvent or could have descended from him. Hence, the trustee does not take contingent estates, the person to take not being ascertained. The trustee takes only existing rights. *In Re Banks' Will*, 87 Md. 429.

This section, in connection with sections 1 and 17, makes it evident that all the insolvent's property, whether mentioned in the schedule or not, save that excepted in section 1, vests in the trustee. The design of insolvent laws and powers and duties of trustees, discussed. *Zeigler v. King*, 9 Md. 333.

Where a *fi. fa.* has been issued upon a judgment against certain land, but the land has not been sold, and later a writ of *venditioni exponas* is issued on the *fi. fa.*, but prior to the issue of the latter writ the judgment debtor goes into insolvency, the insolvent trustee takes title to the land, and its subsequent sale by the sheriff is nugatory, the purchaser being charged with notice of the insolvent proceedings. The insolvent trustee takes title though the deed from the insolvent to him is defective. *Manahan v. Sammon*, 3 Md. 470.

Since under our law all of the insolvent's property passes to his trustee, this rule will be enforced as to property brought to Maryland from another state, although the laws of the latter do not so provide; so also, as to a deed by an insolvent which our law declares fraudulent. Whether a deed be fraudulently obtained from an insolvent, or is the result of fraud practiced upon him, if thereby his creditors are defrauded, the trustee is the person to claim the property. All the property of an insolvent wherever situated, is conveyed to the trustee. Where money is paid an insolvent in consideration of a conveyance which is fraudulent as to creditors, the trustee may maintain trover without returning the money so paid. Contract among creditors not to institute legal proceedings during a certain period pending an investigation, upheld. *Gardner v. Lewis*, 7 Gill, 392.

The insolvency of the holder of a note or bill of exchange passes the title thereto to his trustee. *Somerville v. Brown*, 5 Gill, 425.

Funds of an insolvent in the hands of a receiver in equity vest in the insolvent trustee from the time of his appointment. *Glenn v. Boston Glass Co.*, 7 Md. 295.

The right to a trade-mark, not personal, but which denotes the place where the goods are manufactured, passes to the assignee under bankrupt or insolvent laws. *Wilmer v. Thomas*, 74 Md. 491.

Though the insolvent has made an absolute transfer of property in the nature of a trust, such property must be administered by the insolvent trustee. *Bank of Westminster v. Whyte*, 3 Md. Ch. 511.

The insolvency of the buyer does not revoke a purchase of goods made prior to the insolvency. The seller has his right of stoppage *in transitu*, but if the goods are once delivered, title vests in the assignee. The same principle applies to an assignment for the benefit of creditors. *McElroy v. Seery*, 61 Md. 398.

For a case where property was held to have passed to an insolvent trustee subject to liens, see *Repp v. Repp*, 12 G. & J. 352.

The insolvent trustee has no power to sell without an order of court. Where an equitable title is vested in an insolvent, G. & B. holding the legal title as security for certain claims, the insolvent trustee can only sell the equitable title. If this is not advantageous, the trustee may institute proceedings in equity against G. & B. Where the trustees are the same in two insolvent cases, they cannot file a bond in one of the cases conditioned upon a performance of their duties in both cases. Each case must be conducted separately, though property owned by the two insolvents jointly may be sold at the same time. *Gable v. Scott*, 56 Md. 181.

Where a claim is filed and allowed in the audit and there are no exceptions, it is the duty of the trustee to pay it. The creditors may litigate *inter sese*, but the law does not impose this duty upon the trustee. *Walsh v. Boyle*, 30 Md. 267.

Where a sale of mortgaged premises is made and reported prior to the application of the mortgagor in insolvency, no title to the mortgaged prem-